

REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-6, and 23-36 are pending in the application. Claims 1, 3-6, and 23-27 have been amended. Claims 7-21 have been cancelled without prejudice or disclaimer. Claims 28-36 have been newly added. Applicant believes that this Amendment does not add new matter. In view of the foregoing Amendment and the following Remarks, allowance of all the pending claims is requested.

BOARD DECISION

A. REJECTION OF CLAIMS 1 AND 3-6 UNDER 35 U.S.C. § 103

The Board of Patent Appeals and Interferences ("Board") has affirmed the Examiner's rejection of previously pending claim 1 under 35 U.S.C. § 103 as allegedly being obvious over U.S. Patent No. 6,108,700 to Maccabee et al. ("Maccabee") in view of U.S. Patent No. 6,356,282 to Roytman et al. ("Roytman") and U.S. Patent No. 6,314,103 to Medhat et al. ("Medhat"), and has further affirmed the Examiner's rejection of previously pending claims 3-6 under 35 U.S.C. § 103 as allegedly being obvious over obvious over Maccabee in view of Roytman, Medhat, and U.S. Patent No. 6,230,203 to Koperda et al. ("Koperda"). Applicant notes that independent claim 1 has been amended as indicated above, and submit that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention, as amended.

More particularly, in affirming the Examiner's rejection of previously pending claim 1, the Board alleges that "Maccabee's 'events' can accurately be described as based on 'an operational characteristic of a network resource' because they are derived from changes in state in software and hardware components that are sensed by sensors 200 (the recited 'monitoring agents')." Board Decision, page 15. Thus, the Board alleges that there was no reversible error in the Examiner's reading "the recited 'alarms' on Maccabee's 'events' and the recited 'correlated alarms' on Maccabee's 'transactions.'" Board Decision, pages 14-15. Although Applicant disagrees with the propriety of the Board Decision, solely in an effort to expedite prosecution of this application, independent claim 1 has been amended to further

clarify the nature of the recited "events," "alarms," and "correlated alarms," such that the "events" and "transactions" described in Maccabee cannot be fairly characterized as reading on the recited "alarms" and "correlated alarms," respectively.

For example, independent claim 1 has been amended to recite that a "plurality of sensors are configured to detect one or more events in response to a change in the operational characteristics of one or more of the plurality of devices" and that a "plurality of monitoring agents are configured to receive the events from the plurality of sensors and perform event correlation to map the events into the alarms." In addition, independent claim 1 has been further amended to recite that an "alarm correlation agent is configured to receive the alarms from the plurality of monitoring agents and perform alarm correlation on the received alarms to produce the correlated alarms." As such, the allegation that "the recited 'alarms' [read] on Maccabee's 'events' and the recited 'correlated alarms' [read] on Maccabee's 'transactions'" does not apply to the amended claim language.

In particular, the Board's reasoning generally characterizes the sensors 200 described in Maccabee as corresponding to the recited "monitoring agents," but the amended claim language separately recites "a plurality of sensors," a "plurality of monitoring agents," and "an alarm correlation agent." In other words, independent claim 1 has been amended to recite at least two levels of correlation, wherein after one or more events are detected in response to changes in operational characteristics of one or more devices, the events are then mapped "into one or more alarms using a plurality of monitoring agents," and the alarms are then analyzed "to produce one or more correlated alarms using an alarm correlation agent." In contrast, Maccabee only describes one level of correlation for events that have been detected by one or more sensors (i.e., the "events" are correlated into "transactions"). Consequently, the Board's allegation regarding "the recited 'alarms' [reading] on Maccabee's 'events' and the recited 'correlated alarms' [reading] on Maccabee's 'transactions'" is inapplicable to the amended claim language, which clarifies that a plurality of sensors are configured to detect the "events" (rather than "alarms").

Accordingly, the claimed invention recites each of "event correlation" and "alarm correlation" as being performed by entities that are different from the plurality of sensors,

whereas the Board's reasoning relies on the allegation that the sensors described in Maccabee perform the recited function of "mapping the events into one or more alarms." For at least this reason, the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claim 1. Claims 3-6 depend from and add features to amended independent claim 1. Thus, the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended claims 1 and 3-6 for at least the foregoing reasons.

In addition, Applicant notes that the Board has alleged that the "language 'to analyze, across a network, causes of the correlated alarms' is simply a statement of intended use," which is "either entitled to no weight or, at most, requires that the correlated alarms that are sent to the enterprise management system be *capable* of being used" in such a manner. Board Decision, page 17. Although Applicant disagrees with the propriety of this allegation, solely in an effort to expedite prosecution of this application, independent claim 1 has been further amended to positively recite "analyzing causes of the correlated alarms across the network using an enterprise management system." As such, this feature cannot be fairly characterized as simply reciting an "intended use," and Applicant therefore requests that the Examiner provide this feature with the proper weight.

B. REJECTION OF CLAIMS 23-27 UNDER 35 U.S.C. § 103

The Board of Patent Appeals and Interferences ("Board") has affirmed the Examiner's rejection of previously pending claims 23-24 and 26-27 under 35 U.S.C. § 103 as allegedly being obvious over Maccabee in view of Roytman and Medhat, and has further affirmed the Examiner's rejection of previously pending claim 25 under 35 U.S.C. § 103 as allegedly being obvious over obvious over Maccabee in view of Roytman, Medhat, and U.S. Patent No. 6,304,892 to Bhoj et al. ("Bhoj"). Applicant notes that independent claims 23 and 27 have been amended as indicated above, and submit that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention, as amended.

More particularly, in affirming the Examiner's rejection of previously pending claims 23 and 27, the Board alleges that the description in Roytman relating to "a predetermined number of severity levels, including 'critical,' 'major,' warning,' minor,' normal,' and 'indeterminate'" reads on "the recited 'range of values' in previously pending claims 23 and 27. Board Decision, pages 22-23. Although Applicant disagrees with the propriety of the Board Decision, solely in an effort to expedite prosecution of this application, independent claims 23 and 27 have been amended to further clarify that the recited "value in the range of values" represents a "grade of a service" rather than a severity level associated with a particular alarm.

For example, independent claims 23 and 27 have been amended to recite that a service has "a state expressed as a range of numeric values representing a grade of the service," wherein a numeric value corresponding to the state of the service "provides a performance index representing the grade of the service associated with the service level management domain." Thus, in addition to clarifying that the state of the service represents a performance index for a "service," which "is an abstraction over and above the network," independent claims 23 and 27 have been further amended to clarify that the state is "expressed as a range of *numeric* values." In contrast, the severity levels of "critical," "major," "warning," "minor," "normal," and "indeterminate" are plainly non-numeric values, such that the Board's reasoning in affirming the Examiner's rejection of previously pending claims 23 and 27 does not apply to the amended claim language.

Accordingly, for at least the foregoing reasons, the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claims 23 and 27. Claims 24-26 depend from and add features to amended independent claim 23. Thus, the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended claims 23-27 for at least the foregoing reasons.

NEW CLAIMS 28-36

For at least the reasons provided in further detail above, the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of

amended independent claims 1 and 23. New claims 28-36 depend from and add features to one of amended independent claims 1 and 23. Thus, newly added claims 28-36 are allowable over the references relied upon for at least the same reasons discussed above for their respective parent claims.

CONCLUSION

Having addressed each of the foregoing issues decided by the Board, it is respectfully submitted that a full and complete response has been made to the outstanding Board Decision. As such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **April 9, 2009**

Respectfully submitted,

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